

# EXHIBIT 5

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

STATE OF MARYLAND; STATE OF  
DELAWARE; STATE OF CALIFORNIA; STATE  
OF COLORADO; STATE OF ARIZONA; STATE  
OF CONNECTICUT; DISTRICT OF COLUMBIA,  
STATE OF HAWAII; STATE OF ILLINOIS;  
OFFICE OF THE GOVERNOR *ex rel.* Andy  
Beshear, in his official capacity as Governor of the  
COMMONWEALTH OF KENTUCKY; STATE  
OF MAINE; COMMONWEALTH OF  
MASSACHUSETTS; PEOPLE OF THE STATE  
OF MICHIGAN; STATE OF MINNESOTA;  
STATE OF NEVADA; STATE OF NEW JERSEY;  
STATE OF NEW MEXICO; STATE OF NEW  
YORK; STATE OF NORTH CAROLINA; STATE  
OF OREGON; JOSH SHAPIRO, in his official  
capacity as Governor of the COMMONWEALTH  
OF PENNSYLVANIA; STATE OF RHODE  
ISLAND; STATE OF VERMONT; STATE OF  
WASHINGTON; STATE OF WISCONSIN;

Plaintiffs,

v.

CORPORATION FOR NATIONAL AND  
COMMUNITY SERVICE, operating as  
AmeriCorps; and JENNIFER BASTRESS  
TAHMASEBI, in her official capacity as Interim  
Head of the Corporation for National and  
Community Service;

Defendants.

Case 1:25-cv-01363-DLB

**DECLARATION OF JOHN KELLY**

Pursuant to 28 U.S.C. § 1746, I, John Kelly, hereby declare as follows:

1. I am a resident of the State of Colorado. I am over the age of 18 and have personal knowledge of all the facts stated herein, including as based on my experience and information known to me. If called as a witness, I could and would testify competently to the matters set forth below.

2. I am currently employed by the State of Colorado as the Executive Director of Serve Colorado.

**I. Background on AmeriCorps, Serve Colorado, & the relationship between the two**

3. AmeriCorps is a federal entity for national service and volunteerism, officially known as the Corporation for National and Community Service. Their mission is to improve lives, strengthen communities, and foster civic engagement through service and volunteering. The opportunities provided by AmeriCorps allows Americans of all backgrounds to serve their county, address the nation's most pressing challenges, and improve lives and communities. In 2009, through the Serve America Act, Congress identified six priorities for AmeriCorps: disaster services, education, health futures, economic opportunity, environmental stewardship, and veterans and military affairs. Serve Colorado aligns with these focus areas when making funding decisions for subgrantees.

4. AmeriCorps manages three major streams of service: AmeriCorps National Civilian Community Corps (NCCC), AmeriCorps Volunteers in Service to America (VISTA) and AmeriCorps State and National (ASN). Additionally, AmeriCorps supports volunteerism through AmeriCorps Seniors, a Volunteer Generation Fund, and Days of Service grants.

a. Additionally, AmeriCorps provides grants to support volunteerism, including the Volunteer Generation Fund (VGF). The VGF focuses on

investments in volunteer management practices that increase both volunteer recruitment and retention. On April 25, 2025 AmeriCorps sent a notice of termination to Serve Colorado, which supported two subgrantees and volunteer generation activities of Serve Colorado staff.

5. AmeriCorps National Civilian Community Corps (NCCC) is a residential based program where young adults between the ages of 18-26 are selected to serve for 10 months at one of four regional campuses, including one in Colorado. Members in this program serve any of the states in their campus's catchment area on short projects called Spikes. Spikes are typically six weeks each and are focused on doing direct service.

6. Volunteers in Service to America (VISTA) can include any age range and members serve in a full-time capacity working on sustainable change that addresses the issues of poverty. AmeriCorps VISTA members serve across the country at locally identified nonprofits or other eligible entities.

7. AmeriCorps State and National (ASN) are community-based programs that address community identified needs. AmeriCorps members in these programs can work on direct service projects or sustainable change projects during their term of service. ASN service terms can vary anywhere from 300 hours to 1700 hours in a 12-month period. AmeriCorps National programs are typically awarded to nonprofit organizations serving multiple states whereas AmeriCorps State programs are awarded to State Service Commissions. State Service Commissions then act as the pass-through entity for these funds and oversight. Serve Colorado is the State of Colorado's recognized and approved State Service Commission.

8. AmeriCorps State and National (ASN) grant decisions are made through two distinct processes. First, Serve Colorado receives an annual formula allocation from the



AmeriCorps agency, conducts a state-level competition, and awards grants based on determinations made by the Governor-appointed Governor's Commission on Community Service. Of the 27 grants recently terminated by the AmeriCorps agency, 21 had been awarded through this formula-based process. Second, the AmeriCorps agency administers a separate, nationally competitive grant process. In this process, the State Service Commission selects and submits single-state applications for consideration in the federally managed competition.

9. Serve Colorado is a state government office housed within the Office of the Lieutenant Governor, responsible for managing funds received from AmeriCorps. Serve Colorado acts as the approved State Commission to AmeriCorps service programs as set forth in 45 CFR 2550.10 and is supported by the Governor-appointed Commission on Community Service.

10. As Executive Director of Serve Colorado, I have responsibility for oversight of the federal grants received from AmeriCorps.

11. Originally established by executive order and codified into state law via Colorado House Bill 18-1324 in 2018, Serve Colorado is committed to enhancing community resilience by supporting AmeriCorps programs that address key needs in education, human services, environmental resilience, and behavioral health, among other topics, across all of Colorado's counties.

12. In recent years, Serve Colorado has expanded its efforts to include workforce development opportunities—positioning service as a pathway for personal growth and professional advancement. By equipping individuals with valuable skills while addressing critical community needs, Serve Colorado fosters both immediate impact and long-term systemic change.

13. Serve Colorado receives and manages grant funds from AmeriCorps, awards and disburses subgrants, monitors subgrantees for performance and compliance with grant

requirements, provides training and technical assistance for subgrantees, and functions as a liaison between AmeriCorps and subgrantees. Serve Colorado offers planning grants, which gives interested, eligible applicants the opportunity to receive funding to assess concept feasibility while receiving training and technical assistance from select Serve Colorado staff. Of the programs affected by the Termination Notices, seven were planning grantees.

14. Prior to AmeriCorps' Notice of Termination of awards on April 25, 2025, Serve Colorado managed 37 subgrants for AmeriCorps, including nonprofit organizations, local governments, and institutions of higher education in urban, rural, and mountain communities across Colorado, and state entities, including Adams State University, Colorado State University, Colorado Northwestern Community College, and History Colorado. Subgrantees use the funds they receive from Serve Colorado to run programs that benefit Coloradans. Such funds are used to recruit, manage, support, and train AmeriCorps members and other volunteers, and handle program operations and costs. Many subgrantees also place AmeriCorps members at partner organizations, providing increased access to volunteers for the sites and service experience for the members.

15. In the 2023–24 program year, Serve Colorado's subgrantees supported nearly 1,400 AmeriCorps members who contributed over one million hours of service across all 64 Colorado counties. Members supported nearly 20,000 students, treated over 2,100 acres of public land, restored over 800 miles of trail, and provided human services to over 27,000 people. Serve Colorado was on track to have similar statistics for the 2024–25 program year; however, due to the federal cuts, the current recruitment of members and number of hours served will be greatly impacted (as demonstrated in the chart below).

16. Since 2015, Serve Colorado has awarded almost \$94 million in AmeriCorps subgrants and has enrolled nearly 12,000 AmeriCorps members in service to the State of Colorado.

17. The details of Serve Colorado's funding since 2015 are as follows:

<b>Program Year</b>	<b># of AmeriCorps Members Enrolled</b>	<b>AmeriCorps Funds Awarded</b>
2015	1274	\$2,288,496
2016	1235	\$4,687,168
2017	1234	\$5,358,314
2018	720	\$5,168,641
2019	672	\$5,980,866
2020	986	\$6,776,351
2021	1527	\$10,313,150
2022	1349	\$19,700,592
2023	1384	\$21,352,998
2024 (current with cuts)	695	\$11,882,767
<b>Total</b>	<b>11,774</b>	<b>\$93,509,343</b>

## **II. Recent Facts impacting Serve Colorado**

### **a. Dismissal of NCCC members**

18. On April 15, 2025, I learned informally via social media that all members of AmeriCorps NCCC program, including those serving in the State of Colorado, had been demobilized effective immediately.

19. This information was formally communicated to me by way of email on April 16, 2025, from Jaime Brancato, Deputy Region Director for Programming, AmeriCorps NCCC Southwest Region. The stated reason was: "In alignment with the Trump-Vance administration priorities and Executive Order 14,222 'Implementing the President's Department of Government Efficiency Cost Efficiency Initiative,' AmeriCorps NCCC is working within new operational parameters that impact the program's ability to sustain program operations." According to these



notifications, the NCCC members would be eligible for a “compelling personal circumstance” program exit on April 30, 2025.

- a. Based on my attempt to visit the federal website dedicated to reporting and maintaining data sets of NCCC member deployment on April 22, 2025, it appears that information was taken down. However, Serve Colorado maintained internally a raw data download of information about deployments dating to 2019. This background is shared because the accuracy of this data is unknown, and my ability to confirm this data through AmeriCorps has been hindered by recent events. According to this research, our records, and my understanding, there were 10 NCCC deployments to service sites in Colorado that had a scheduled end date between February 15, 2025 and May 15, 2025. It is my understanding that through these 10 deployments, 69 members served. It is my understanding that the affected NCCC members who were serving in this residential program from across the country were all sent back to their home of record and are prohibited from reporting for duties and from serving at their host organizations, including those located in Colorado.

**b. RIFs to AmeriCorps administrative staff**

20. It is my understanding that a Reduction in Force (RIF) is a process used by the federal government to abolish specific positions.

21. On April 10, 2025, I learned via social media and national service colleagues of a *Washington Post* article which included the Department of Governmental Efficiency’s plan to reduce at least 50% of AmeriCorps staff using the RIF process.



22. On April 24, 2025, I was on a phone call with an AmeriCorps staff member when she received an email announcing the RIF and she shared that information with me. I then contacted several other AmeriCorps contacts, who confirmed they had also received the same notification. It was then reported via news outlets that approximately 85% of AmeriCorps staff had received notice of RIF actions against them. It is my understanding that these cuts were later estimated to be impactful across multiple departments of the agency. To my knowledge, at no point in time has AmeriCorps communicated to me or Serve Colorado's staff who was impacted by the RIF or the resulting AmeriCorps staffing levels.

23. Based on my experience working in partnership with AmeriCorps at Serve Colorado, I understand affected AmeriCorps' staff members include those responsible for administering the disbursement of funds congressionally appropriated to AmeriCorps and allocated to State Service Commissions, including Serve Colorado. Additional staff affected include those that process amendments, enable and receive required federal reporting, and reviewed grant applications.

**c. Termination of AmeriCorps programs and grants**

24. On April 25, 2025 at 4:09 pm and 4:58 pm, I received two notices from AmeriCorps concerning federal grants to Serve Colorado (collectively "Termination Notices") (appended as Attachments 1 and 2).

25. Specifically, the notices state that:

Effective immediately, the above-referenced AmeriCorps award is being terminated per 2 CFR 200.340(a)(4) because it has been determined that your award no longer effectuates agency priorities. You must immediately cease all award activities. This is a final agency action and is not administratively appealable."

26. The notices further direct that, as to AmeriCorps State and National Programs:

"All member activities should cease immediately. Members should be exited for compelling personal circumstances (CPC). The program should document that the

member was exited for compelling personal circumstances due to the agency's termination of the grant and program closure."

27. According to Serve Colorado records and my understanding of the April 25 notices, these communications terminated programs totaling \$8,219,782 in grant funding and affecting 27 of Serve Colorado's 37 active subgrantees.

28. A list of the affected 27 programs is appended as Attachment 3.

29. An analysis that I reviewed that was conducted by Americas Service Commissions (ASC) determined that of the total \$396,509,876 in national cuts, 93.6%—equivalent to \$371,129,870—originated from the AmeriCorps State and National program. Further analysis reveals that 97.5% of the AmeriCorps State and National program cuts impacted state-designated programs. These programs are administered by State Service Commissions, such as Serve Colorado. This data underscores the disproportionate impact of the funding reductions on programs managed by state entities, as compared to those directly managed by the federal agency.

### **III. Irreparable Harms have been caused by these actions**

30. The Termination Notices, if not enjoined, will result in the termination of AmeriCorps members associated with Serve Colorado grants. While members do not earn a wage for their service, they do earn a living allowance stipend that is provided to sustain them while they participate in AmeriCorps. The living allowance is intended to cover basic needs such as food, housing, transportation, and clothing. In addition to the living allowance, members also may receive health insurance, access to childcare, and an education award upon completion of their term. With the abrupt end to AmeriCorps grants and programs, all 695 current members of terminated programs throughout the state of Colorado are at jeopardy of suddenly being without these benefits.

31. The termination of AmeriCorps programs inflicts significant and widespread harm across the state. Coloradans depend on AmeriCorps members across multiple service streams to address critical challenges, including combating poverty and homelessness, delivering essential education programming for children, expanding access to mental health care, and supporting disaster response and recovery efforts in the wake of wildfires, floods, and other natural catastrophes. AmeriCorps members also play a vital role in wildfire mitigation and community resilience. There is no region in Colorado that has not directly benefited from the contributions of these service members.

32. AmeriCorps NCCC has one of four regional campuses in Colorado, often referred to as the “Southwest Region Campus.” While this specific stream of service is not managed by Serve Colorado or the State of Colorado, its location in our state was beneficial to Coloradans. Approximately 300 AmeriCorps NCCC members were enrolled, trained, and deployed from this campus annually to serve Colorado and neighboring states, supporting communities in ways such as supporting wildfire recovery, repairing trails, building affordable housing, and performing tax preparation for low-income families. It is my understanding that AmeriCorps’ abrupt demobilization of NCCC members on April 15, 2025, also impacted operations at the Southwest Region campus.

33. The drastic reduction in staffing at AmeriCorps will have profoundly negative effects on Serve Colorado, including but not limited to the following:

- a. Delays in future funding if staff are not available to enter into agreements. At this time, Serve Colorado has not received our formula allocation amount. The formula allocation amount is typically provided to us no later than late April, but most typically in March.



- b. A lack of guidance on procedural questions raised by both Serve Colorado and Serve Colorado subgrantees.
- c. An anticipated increase to approval times for administrative actions such as budget amendments, Federal Financial Report process review, etc.
- d. Loss of entire Disaster Service Unit staff to RIF, who were key partners to states for disaster response and preparedness. The AmeriCorps Disaster Service Unit is also the department responsible for the AmeriCorps Disaster Response Team (ADRT) mission assignments and relationship with FEMA. Based on my history with Serve Colorado, including in times of disaster, the RIF to this unit will compromise disaster response and preparedness in Colorado and elsewhere.

34. The harm caused by the abrupt termination of AmeriCorps funding to Serve Colorado or the State of Colorado includes but are not limited to:

- a. Programs awarded grant funds by Serve Colorado that are run by or housed within state agencies and institutions were included in the Termination Notices. Among the terminated programs are state entities that received AmeriCorps funds via pass-through grants awarded to them by Serve Colorado: Adams State University, History Colorado, Colorado State University, and Colorado Northwestern Community College. Based on my experience at Serve Colorado, this means these public institutions of higher education will no longer be able to provide the communities they serve with AmeriCorps members or AmeriCorps funds.
- b. State Service Commissions are able to collect 2% of used funds from subgrantees to support the indirect costs of the State Service Commission.



Because subgrantees are not able to use funds due to the Termination Notices, Serve Colorado will not be able to provide our share of critical infrastructure like staffing, rent, and accounting expenses.

- c. Serve Colorado entered into contractual agreements with all the programs and subrecipients to which it provides funding. Because of the Notice of Termination, Serve Colorado is evaluating the risk of legal claims by these entities.
- d. There is increased uncertainty around currently non-impacted grants that fund the State Service Commission staff and other operations. These grants are the Commission Support Grant (CSG) and Commission Investment Fund (CIF). For FY 2024, the total amount of these grants to Colorado was \$977,703. Prior to the Termination Notices, AmeriCorps projected Commission Support Grants and Commission Investment Fund allotments to Serve Colorado for FY 2025 in the amount of \$630,907. AmeriCorps previously notified Serve Colorado of final amounts for these grants in or around June or July. As a result, AmeriCorps changed the period of performance from January through December to July through June. With the lack of notice before the Notices of Termination and the already complicated change between performance periods, there is increased anxiety that these funds might not come at all, or if they do, they will not be secure. If these funds are not provided, Serve Colorado will not be able to retain staff or to fulfill requirements in 45 CFR 2550.80 to maintain our approved status as a State Service Commission. Many of these duties are

staff intensive and include, but are not limited to: development of a three-year, comprehensive national and community service plan and establishment of State priorities; selection of programs and preparation of application to the Corporation; administration of the grants program; evaluation and monitoring; technical assistance; and coordination with other state entities, and volunteer service programs. In addition to the federal statute, Colorado HB 2018-1324 sets statutory requirements for Serve Colorado, including the development of a report submitted directly to the Governor summarizing the activities of the Commission during the preceding year. If these funds are not received, it is unlikely we will have staff available to help draft the report by its statutory due date and Serve Colorado will be out of compliance with state law.

- e. Serve Colorado's fiscal calendar and the new performance period for the Commission Support Grant (CSG) and Commission Investment Fund (CIF) begin on July 1, 2025. In prior years, those grants funded approximately 35% of Serve Colorado's operations. A loss of these grants will create significant, unanticipated cash flow and operational challenges for Serve Colorado which the state is financially unable to backfill. As a result, Serve Colorado will have to reduce operations and staff.
- f. Colorado's commitment to AmeriCorps and reliance on AmeriCorps members can be seen in Colorado HB 2024-1240 "AmeriCorps Education Award Tax Subtraction" which created additional incentives to attract AmeriCorp members from across the nation to come to Colorado for their

Higher Education needs. Without the reinstatement of AmeriCorps staff and funding, Colorado will be unable to leverage these incentives to attract AmeriCorps members to the state to provide vital services.

- g. Even if programs could sustain themselves with other funding sources, they will not be able to fulfill the duties performed by AmeriCorps members without the designation “member”. AmeriCorps members are unique in that they are not employees, and they are not volunteers, a distinction that is specific to AmeriCorps and regulated in accordance with §2540.100(f) - Non displacement which describes that members may not displace either staff or volunteers. If subgrantees wish to continue the work performed by members who were affected by the Termination Notices, they risk inadvertently hamstringing themselves from those positions ever being eligible to be filled by members in the future. This is not just about a loss of funding; this is about the loss of the ability for organizations to recruit for specific roles in the design of their programs.

**a. Administrative costs & burdens imposed on Serve Colorado**

35. In addition to these direct burdens to its subgrantees, Serve Colorado has suffered additional administrative costs and burdens as a result of recent events. For example:

- a. AmeriCorps typically communicates funding decisions based on grant reviews by mid-April. Serve Colorado then uses those decisions as the basis for making its own pass-through and competitive grant determinations in early May. This purposeful timeline is responsive to the needs of our grantees, who often orient their program start dates to align with established timetables like public school calendars. Once this determination is made,



grantees can begin recruiting members, which allows grantees to identify potential members who often are seeking service opportunities as they transition to postgraduate young adults. As a result of AmeriCorps' failure to approve, or at a minimum communicate about the Commission Support Grant or the Commission Investment Fund, Serve Colorado is unable to prepare a reasonably reliable budget that we can use to prepare for all tasks from staffing to the development of our required State Service Plan. The inability to plan is one more unknown at this time.

- b. From April to July, Serve Colorado's Deputy Director is traditionally in close communication with AmeriCorps' national and regional staff. Members of Serve Colorado communicate with AmeriCorps staff on at least a weekly basis on time-sensitive topics such as grant amendment creation and submission; requesting guidance relating to federal rules and regulations on specific cases; requests for administrative reviews on member citizenship and social security number manual verification, as needed; seeking assistance on technical issues relating to member enrollment, member exit, member-applicant national service criminal history checks; troubleshooting technical challenges with the grants management and member management portals; and administering periodic grantee progress reports and federal financial reports, among others. However, since mid-April, Serve Colorado has had, to knowledge, no such contact. This has resulted in Serve Colorado, spending staff time to delay in



giving guidance to subgrantees, instruct grantees on not enrolling members, and be delayed on submitting required reports.

- c. Based on my experience at Serve Colorado, AmeriCorps communication delays are attributed to the cuts of AmeriCorps staffing due to the RIFs, the federal government's failure to identify specific individuals who Serve Colorado should communicate with about routine questions, as well as failing to identify who is no longer with AmeriCorps as a result of the RIF. In the Termination Notices, AmeriCorps listed a new email address to use to contact about the close out of those awards. This is a generalized email address with no phone number option. Serve Colorado has sent emails as directed by the federal government, but has received no response leaving Serve Colorado without answers or direction. For example:

- i. The Serve Colorado Deputy Director (DD) contacted the general AmeriCorps email account on April 25 to inform AmeriCorps that a required Federal Financial Report is not yet available in the system and thus cannot be completed. Typically issues such as this would be resolved by our primary points of contact in the Regional Office. These staff have been terminated by the RIF actions. This report, which to our understanding, was due on April 30. At the time of writing (May 5th), Serve Colorado has yet to hear back from the agency on this matter, placing Serve Colorado at risk of appearing to be

out of compliance on a required federal report without being able to provide explanation as to why the report is not yet submitted.

- ii. DD submitted a subsequent request on April 29 to the same general AmeriCorps email account for a new project to be manually created within the agency's grant system. This request was necessary and routine to allow an existing program to submit a Program Year 2025 application. Without the creation of the new project, the program in question will be unable to submit an application, and consequently, unable to continue operations in the upcoming program year.
- iii. On April 30, Serve Colorado submitted four required Federal Financial Reports in the grants management portal. We typically receive acknowledgement within a week from the agency that these reports have been reviewed and if needed provided feedback on the submission. At this time, it is unknown whether those reports are being reviewed or whether Serve Colorado will receive timely feedback or acknowledgement.
- iv. DD also submitted formal match waiver requests on behalf of two programs in the second half of April, a process conducted through the AmeriCorps website.

Without review and processing, the programs in question here will not have clarity on their required match levels as they administer the final months of their grant.

- v. At the time of the agency RIFs, Serve Colorado was also engaged with the AmeriCorps Office of Monitoring to follow up on a recent in-person, standard monitoring visit. This is a formal and time-sensitive process that necessitates continuous communication, including document submissions and responses to agency inquiries. Serve Colorado's last communication to AmeriCorp on April 21 has gone unaddressed. Given that the Office of Monitoring staff had been exceedingly responsive throughout this monitoring process, based on my experience at Serve Colorado, this process is currently on hold due to the loss of AmeriCorpstaff.

**b. House Bill 2018-1324 Non Compliance Due to Termination Notices**

36. Due to the Termination Notices, Serve Colorado will not be able to fulfill its own legal obligations under Colorado House Bill 2018-1324 which established Serve Colorado and sets forth required duties.

37. For further context, Serve Colorado was codified into state law in 2018 under House Bill 2018-1324. Under its enabling laws and regulations, Serve Colorado is legally obligated by the state, among other things, to perform the following duties:

- a. 24-20-502 (7) - on or before January 1, 2020, and on or before January 1 of each year thereafter, the commission shall submit a report to the governor

summarizing the activities of the commission during the preceding year. The jeopardy here is if funds for commission activities, such as the Commission Investment Fund or the Commission Support Grant are not received and/or are terminated with little notice, administrative requirements like these will be difficult to complete. In addition, the reduction of revenue from the cancelled grants (the 2% described in ¶34(B)) may impact the ability to pay for the costs associated with this report.

- b. 24-20-503. Powers and Duties (3)(e) - Administering, overseeing, and monitoring the performance and progress of funded programs, including working with the governor and the corporation to implement comprehensive, nonduplicative evaluation and monitoring systems. The concern here is that while Serve Colorado is working to communicate with grantees vital information about these changes, working on gathering data to support these legal actions, these activities have not been able to occur. The ability to take on these new tasks while simultaneously being responsive to the growing work load as a result of these terminations is not possible.
- c. 24-20-503. Powers and Duties (3)(f) - providing technical assistance to local nonprofit organizations and other entities in planning programs, applying for funds, and implementing high-quality programs. The concern to meet this requirement is described in subsection above.
- d. 24-20-503. Powers and Duties (3)(g) - developing mechanisms for recruitment and placement of people interested in participating in service



programs. There is a national distrust of AmeriCorps due to the recent immediate terminations of existing members' service terms. With no notice to these members many are at risk of experiencing negative impacts to their housing, health insurance, childcare, and other benefits. Even though this is a national impact, the requirement of Serve Colorado to maintain ultimate responsibility of member recruitment is likely to be impacted for years to come, even if the programs are returned to full operation.

- e. 24-20-503. Powers and Duties (3)(k) - Coordinating the commission's efforts with the priorities and initiatives of the governor's office through continued discussion and consideration of the governor's recommendations. The concern here is the termination of grants that do align with the priorities and initiatives of the governor's office.
- f. 24-20-502. Membership and organization (1)(c) "a representative of the Corporation for National and Community Service ... shall be an ex officio nonvoting member of the commission." The current ex officio member on the Commission was terminated through the RIF process. Serve Colorado is now in jeopardy of not maintaining a commission roster that is aligned with law.

38. It is my understanding that the laws and regulations that govern Serve Colorado as presented in House Bill 20218-1324 were developed with reference to the laws and regulations that established AmeriCorps.

39. Serve Colorado was established and has operated as an entity, in relation to and compliance with AmeriCorps, including its statutes and regulations regarding the allocation of

formula funds, the process for submitting competitive applications to AmeriCorps, and overseeing the compliance to law once subgrants are executed.

40. As a direct result of AmeriCorps' Termination Notices, Serve Colorado has been forced to set aside its typical activities and instead focus nearly full-time on addressing the impacts of recent terminations, RIFs, and growing uncertainty. These efforts have included coordination with the Office of the Lt. Governor (where Serve Colorado is housed); engagement with legal counsel; review of grant terms; revisions to recruitment activities; conducting frequent emergency update calls with its portfolio of programs to provide most recent updates and field questions; participating in near-daily calls with our national affinity group, America's Service Commissions, who is providing all 52 State Service Commissions, including Serve Colorado, timely updates based on their outreach to important state and national stakeholders; fielding dozens of incoming communications from its portfolio of programs anxiously inquiring about updates, often dealing with sensitive information that Serve Colorado is unable to share; coordinating with multiple media requests; drafting press releases to ensure Coloradans are aware of these changes to their communities and conducting emergency press interviews; and due to capacity spent working on these efforts, run several fiscal projections and cost analysis determinations.

41. Without immediate relief, we will need to shut down our programs and terminate members.

**c. Harms incurred by Colorado as a result of AmeriCorps' failure to provide Serve Colorado with advanced notice of its plans or ability to appeal**

42. It is my understanding that certain AmeriCorps' regulations limit the agency's discretion to terminate awarded grants. It is my further understanding that other regulations entitle Commissions and grantees with notice and an opportunity to comment prior to implementing this type of action.

43. I affirm that, had Serve Colorado been accorded that process, it would have taken advantage of it.

- a. According to the General Terms and Conditions of AmeriCorps grants, Section P. Suspension of Termination of Award - AmeriCorps may suspend or terminate this award in accordance with 2 CFR 200 (200.339) (Non compliance) and 200.340 (failure to comply with terms and conditions, with consent, from request of Serve Colorado, no longer effectuating the goals or agency priorities). Neither of these provisions was cited in the Termination Notices, and to my knowledge, I am unaware of any allegations of noncompliance as to the impacted programs.

**d. Seizure by the national executive of Serve Colorado's discretion and authority**

44. It is my understanding, and has been my experience up until this point, that grants to state applicants, such as Serve Colorado, are formula funds in our role as the recognized State Service Commission. With that distinction, Serve Colorado retains discretion and authority over how to disburse formula and pass-through funding to awards granted to each commission. To the extent that discretion is limited, it is cabined to efforts that advance the statutory mission of AmeriCorps, as well as the priorities of the State of Colorado.

45. Among the 27 terminated programs, 21 were Formula Funded. The Termination Notices stated that all programs' terminations were "because it has been determined that the award no longer effectuates agency [AmeriCorps'] priorities."

46. During my seven years working at AmeriCorps and during my five years working cooperatively with AmeriCorps in my capacity as Serve Colorado's Executive Director, I am unaware of any prior attempts by AmeriCorps to call into question or have needed to defend a



State Service Commissions award decisions based on anything besides eligibility of the grantee. It has been my understanding and experience throughout my career with Serve Colorado that federal regulation, 45 CFR 2522.400(b) gives states the authority to apply priorities different from the AmeriCorps agency, and Serve Colorado has operated pursuant to that understanding.

47. In past years, Serve Colorado has exercised its discretion over grantmaking decisions during April and May for programs that are designed to begin oftentimes in late July to early August. Again, this timeline was developed in accordance with the needs of grantees and with an eye towards maximizing the recruitment and retention of volunteers.

48. Examples of Colorado-specific issues that have attracted Serve Colorado's attention, and which received grants in FY 2024 are detailed below. Each of these programs is in Serve Colorado's portfolio of grants and was subject to the Termination Notices:

49. La Puente Home, located in Alamosa, Colorado, is a non-profit that runs the Rural Alliance for Dignity (RAD) program that received a termination notice.

- a. At the time of termination, RAD hosted four AmeriCorps members to help service fifteen food pantries across six rural counties, directly serving more than 12,000 individuals. Additionally, the RAD AmeriCorps program operates the Alamosa Shelter and Soup Kitchen, which serves over 35,000 hot meals annually to individuals experiencing homelessness. AmeriCorps members contributed almost 9,000 labor hours each year to sustaining shelter and soup kitchen operations, providing both direct meal services and case management support.
- b. Serve Colorado selected RAD for funding because of the need to support the efforts of an organization that helps Coloradans in rural locations. It is



my understanding that RAD's clients rely on these services on a daily basis to meet their basic nutritional needs.

- c. It is my understanding from communications on April 28, 2025 with La Puente Home's Executive Director that there will be a drastic change in the amount of services RAD is able to provide to community members. This reduction in services is a direct result of RAD's loss of AmeriCorps' funding and the removal of the AmeriCorps members. Within weeks, the organization plans to cut one of its two public daily meal times.

50. Another initiative embraced by Serve Colorado for funding in FY 2024 is the Youth Mental Health Corps (YMHC).

- a. A special concern in the State of Colorado is youth mental health. This has emerged as a critical and urgent issue; according to the Colorado Department of Public Health and Environment, only 58% of young people report that their stress is manageable, and 11% have seriously considered suicide within the past year. Compounding this crisis, the state faces a significant shortage of behavioral health professionals, with job openings in the sector increasing by 152% between 2019 and 2022, according to the Colorado Department of Labor and Employment.
- b. In response to these escalating needs, Serve Colorado launched YMHC in May 2024, as part of a groundbreaking national initiative to expand access to critical mental health resources for young people while simultaneously creating career pathways in the behavioral health field.

- c. Colorado's YMHC pilot launched in Fall 2024, with an initial cohort of 127 members. Until recently, YMHC AmeriCorps members were serving youth in fifteen counties across the state and were expected to reach over 4,500 youth in their first year.
- d. Grants supporting four of the five YMHC programs in Serve Colorado's portfolio—Alpine Achievers Initiative, Corps for a Change, United Way Southwest Colorado, and Trailhead Institute—were issued termination notices on April 25. AmeriCorps members serving through these YMHC programs worked directly with students and youth around the state experiencing profound mental and behavioral health challenges. By virtue of the AmeriCorps grant termination notice, AmeriCorps members assigned to YMHC sites will no longer be able to do so.
- e. Even if Serve Colorado had the resources to replace these YMHC members (and it does not), relationships that have been formed over the past year between YMHC service members and their clients cannot simply be replaced or restarted without significant damage to the progress made with this vulnerable population.
- f. Other funding opportunities have already been impacted by AmeriCorps's actions. On May 2, 2025, I participated in a call with a philanthropic funder who declined a proposal for over \$500,000 to support Colorado's Youth Mental Health Corps. The funder stated they declined to fund due to the instability of AmeriCorps funding and the three Colorado Youth Mental Health Corps grantees included in the proposal had been terminated by the

AmeriCorps agency. Additionally, the termination of Youth Mental Health Corps grantees puts at risk previously secured funding from private foundations and donors.

51. For FY 2024, Serve Colorado also selected early childhood as a mission priority meriting financial support in the state.

- a. For example, the Bright Futures program hosts AmeriCorps members who are charged with teaching positive behavioral framework tools to help children manage difficult behaviors while creating a safe and supportive environment for emotional growth. Early intervention for this clientele is essential and has long-lasting impacts that cannot be replicated later on in life.
- b. Similarly, Serve Colorado oversees the Home Instruction for Parents of Preschool Youngsters (HIPPY) program, operated by Parent Possible, which is an evidence-based, home-visiting initiative designed to empower parents to children between 2 and 5 years' old for academic and lifelong success. Using structured curriculum, storybooks, and educational materials, AmeriCorps members that volunteer with the HIPPY program work closely with parents to strengthen children's cognitive, literacy, social-emotional, and physical development.
- c. For both of these programs, frequent and consistent relationships formed between members, parents, and young children are vital to their success. Further, the nature of their work is interventionary and will suffer during the pendency of this action without immediate court relief.

- d. Colorado has invested deeply in these similar early childhood educational programs. Their interruption will permanently damage the developmental progress and investments achieved to date. Serve Colorado cannot recoup these investments on the back-end nor replicate the monitoring of these programs' longitudinal success over time when they are disrupted by means beyond the state's control.

52. Likewise, certain AmeriCorps programs in Colorado that were awarded grants by Serve Colorado are designed to address critical, seasonally dependent service activities. Interruption of these programs cannot be remedied later in the year.

- a. Colorado State University Extension (CSUE), for example, operates a variety of season-specific initiatives supporting the stewardship of Colorado's wildlands, including land stewardship, forest monitoring, wildland fire mitigation, supporting wildlife habitat, and reintroduction of native plants. Those projects at CSUE are carried out mostly by AmeriCorps members; without immediate relief, work for summer 2025 will not happen.

53. In addition, many subgrants have a long history of service with Serve Colorado. These programs have grown and have built the fabric of their operation around having members. Each of these examples are organizations that have, to date, received year-over-year funding from AmeriCorps via Serve Colorado as follows:

- a. Rural Alliance for Dignity (August 2012 - April 2025)
- b. Alpine Achievers Initiative (August 2015 - April 2025; YMHC programming began May 2024)



- c. Corps for a Change (September 2015 - April 2025; YMHC programming began May 2024)
- d. United Way Southwest Colorado (September 2018 - April 2025; YMHC programming began May 2024), and
- e. Home Instruction for Parents of Preschool Youngsters (HIPPY) (July 1994 - April 2025)
- f. Colorado State University Extension (August 2015 - April 2025)

54. None of the organizations, to my knowledge, have ever been denied funding or had funding withdrawn for violating either AmeriCorps' or Serve Colorado's legal requirements, or have been described as not aligning with agency priorities.

55. The missions of each of these organizations are a reflection of Serve Colorado's independent discretionary authority while simultaneously aligning with the priorities set by the application instructions. To my understanding, Serve Colorado was legally entitled to exercise that authority under AmeriCorps' enabling statutes and federal regulations and required to exercise under the laws governing the commission that were passed by the Colorado legislature and signed into law by its governor.

- e. Serve Colorado reasonably relied on its historical partnership with AmeriCorps. Reputational harms to AmeriCorps consequently impact Serve Colorado.**

56. When the commission was created in 1993 and codified in 2018, Colorado relied upon the statutory framework and legal obligations enacted in AmeriCorps' statutes and regulations.

57. Because of the close association with AmeriCorps, harms to that agency necessarily harm Serve Colorado in turn.

58. For example, since April 15, Serve Colorado has received inquiries from internal Serve Colorado staff, subgrantees, members, the media, and Colorado lawmakers regarding the status of its programming.

59. Because Serve Colorado received no advance notice of AmeriCorps' "shift in priorities," it is unable to answer these questions. Serve Colorado is also actively engaged in risk assessments related to legal exposure, dismissal of AmeriCorps members, termination of grants, and program closures. These assessments are ones that I have never had to make in my approximately five years as Serve Colorado's Executive Director.

#### **IV. Conclusion**

60. The present circumstances leave Serve Colorado unable to answer Colorado's constituents and the stakeholders promptly and accurately. This further harms the commission's reputation, and in turn, will discourage the recruitment of subgrantees and members alike for years to come.

61. Over time, the erosion of national service infrastructure threatens to diminish civic engagement, community resilience, and public trust in service-oriented institutions. The long-term loss of skilled, service-minded leaders - many of whom begin their careers through AmeriCorps service - will leave a void in the state's future workforce, particularly in sectors that rely heavily on public service. If left unaddressed, the current disruptions will permanently weaken the pipeline of community leadership and innovation that AmeriCorps programs have helped cultivate for decades, to the detriment of Serve Colorado.

I declare under penalty of perjury under the laws of the United States that, to the best of my knowledge, the foregoing is true and correct. Executed on May 5, 2025, at Denver, Colorado.

  
\_\_\_\_\_  
John Kelly, Executive Director, Serve Colorado



# Attachment 1

STATE OF  
COLORADO

Kelly - GovOffice, John &lt;john.d.kelly@state.co.us&gt;

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**Termination Notice of AmeriCorps Award**1 message

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**AmeriCorpsAwardAction** <AmeriCorpsAwardAction@americorps.gov>Fri, Apr 25, 2025 at 4:09  
PM

To: "John.d.kelly@state.co.us" &lt;John.d.kelly@state.co.us&gt;

Cc: AmeriCorpsAwardAction &lt;AmeriCorpsAwardAction@americorps.gov&gt;

John Kelly

Governor's Commission on Community Service

[200 E Colfax Ave](#)[Denver](#)[CO, 80203](#)

RE:

23VGDCO001

25VG270101

Dear AmeriCorps Award Recipient:

Effective immediately, the above-referenced AmeriCorps award is being terminated per 2 CFR 200.340(a)(4) because it has been determined that your award no longer effectuates agency priorities. You must immediately cease all award activities. This is a final agency action and is not administratively appealable.

The provisions at [2 CFR 200.343 – Effects of Suspension and Termination](#) apply. This process ensures the equitable settlement of costs, proper disposition of government property, and mitigation of negative impacts on stakeholders. AmeriCorps staff will initiate an amendment to change the end date of the period of performance effective immediately.

Please immediately notify subrecipients and/or community partners, if applicable, and initiate your internal termination and closeout procedures.

Please review [Closeout Instructions for Grantees](#) to close out this Federal award within 120 days. Please note, there are some close-out actions that indicate that you must submit information to your portfolio manager. Instead of submitting to those individuals, you must instead submit to the following regional mailboxes:

- [MidAtlantic@americorps.gov](mailto:MidAtlantic@americorps.gov) (DC, DE, MD, NJ, PA, PR, VA, VI, WV)
- [Midwest@americorps.gov](mailto:Midwest@americorps.gov) (IL, IN, KY, MI, OH)
- [Mountain@americorps.gov](mailto:Mountain@americorps.gov) (AZ, CO, ID, MT, NM, UT, WY)
- [NorthCentral@americorps.gov](mailto:NorthCentral@americorps.gov) (IA, MN, WI, ND, SD, NE, KS, MO)
- [Northeast@americorps.gov](mailto:Northeast@americorps.gov) (CT, MA, ME, NH, NY, RI, VT)
- [SouthCentral@americorps.gov](mailto:SouthCentral@americorps.gov) (AR, LA, MS, OK, TX)
- [Southeast@americorps.gov](mailto:Southeast@americorps.gov) (AL, FL, GA, NC, SC, TN)

- [West@americorps.gov](mailto:West@americorps.gov) (AK, AS, CA, CNMI, GU, HI, NV, OR, WA)

Costs after termination are allowable if:

- (a) The costs result from financial obligations which were properly incurred before the effective date of termination, and
- (b) costs are for necessary and reasonable termination and closeout activities.

Please follow the program specific instructions below, based on the type of award that is being terminated.

*AmeriCorps State and National*

State commissions and prime grantees should immediately notify subgrantees, operating sites, and members and follow grant close-out procedures. All member activities should cease immediately. Members should be exited for compelling personal circumstances (CPC). The program should document that the member was exited for compelling personal circumstances due to the agency's termination of the grant and program closure. If possible, the program should try to have the member transferred to another program. If this is not possible, the program should note in the CPC documentation that member reassignment was not an option.

*AmeriCorps Seniors*

You are encouraged to notify volunteers, volunteer stations and the Advisory Council. Please also reference Appendix A.3 in your program handbook for close-out guidance.

*AmeriCorps VISTA*

If you have members active on your award/agreement, all members will be removed from your project effective immediately. Further communication will go directly to impacted members and sponsors.

*Volunteer Generation Fund and Days of Service*

Notification of award termination should be sent to all subrecipients and community partners. Communication to subrecipients should include instruction to immediately cease award activity and the [Close Out Instructions for Grantees](#).

*Research and Evaluation*

Notification of award termination should be sent to all subrecipients and community partners.

Jennifer Bastress Tahmasebi

Interim Agency Head



# Attachment 2

STATE OF  
COLORADO

Kelly - GovOffice, John &lt;john.d.kelly@state.co.us&gt;

## Termination Notice of AmeriCorps Award

1 message

AmeriCorpsAwardAction &lt;AmeriCorpsAwardAction@americorps.gov&gt;

Fri, Apr 25, 2025 at 4:50  
PM

To: "John.d.kelly@state.co.us" &lt;John.d.kelly@state.co.us&gt;

Cc: AmeriCorpsAwardAction &lt;AmeriCorpsAwardAction@americorps.gov&gt;

John Kelly

Governor's Commission on Community Service

200 E Colfax Ave

Denver

CO, 80203

RE: Grant Termination

Dear AmeriCorps Award Recipient:

Effective immediately, the AmeriCorps award subrecipient(s) included in the attached spreadsheet is/are being terminated per 2 CFR 200.340(a)(4) because it has been determined that the award no longer effectuates agency priorities. You must immediately cease all award activities. This is a final agency action and is not administratively appealable.

The provisions at [2 CFR 200.343 – Effects of Suspension and Termination](#) apply. This process ensures the equitable settlement of costs, proper disposition of government property, and mitigation of negative impacts on stakeholders. AmeriCorps staff will initiate an amendment to change the end date of the period of performance effective immediately.

Please immediately notify subrecipients and/or community partners, if applicable, and initiate your internal termination and closeout procedures.

Please review [Closeout Instructions for Grantees](#) to close out this Federal award within 120 days. Please note, there are some close-out actions that indicate that you must submit information to your portfolio manager. Instead of submitting to those individuals, you must instead submit to the following regional mailboxes:

- [MidAtlantic@americorps.gov](mailto:MidAtlantic@americorps.gov) (DC, DE, MD, NJ, PA, PR, VA, VI, WV)
- [Midwest@americorps.gov](mailto:Midwest@americorps.gov) (IL, IN, KY, MI, OH)
- [Mountain@americorps.gov](mailto:Mountain@americorps.gov) (AZ, CO, ID, MT, NM, UT, WY)
- [NorthCentral@americorps.gov](mailto:NorthCentral@americorps.gov) (IA, MN, WI, ND, SD, NE, KS, MO)
- [Northeast@americorps.gov](mailto:Northeast@americorps.gov) (CT, MA, ME, NH, NY, RI, VT)
- [SouthCentral@americorps.gov](mailto:SouthCentral@americorps.gov) (AR, LA, MS, OK, TX)
- [Southeast@americorps.gov](mailto:Southeast@americorps.gov) (AL, FL, GA, NC, SC, TN)
- [West@americorps.gov](mailto:West@americorps.gov) (AK, AS, CA, CNMI, GU, HI, NV, OR, WA)

Costs after termination are allowable if:

(a) The costs result from financial obligations which were properly incurred before the effective date of termination, and

(b) costs are for necessary and reasonable termination and closeout activities.

Please follow the program specific instructions below, based on the type of award that is being terminated.

*AmeriCorps State and National*

State commissions and prime grantees should immediately notify subgrantees, operating sites, and members and follow grant close-out procedures. All member activities should cease immediately. Members should be exited for compelling personal circumstances (CPC). The program should document that the member was exited for compelling personal circumstances due to the agency's termination of the grant and program closure. If possible, the program should try to have the member transferred to another program. If this is not possible, the program should note in the CPC documentation that member reassignment was not an option.

Jennifer Bastress Tahmasebi

Interim Agency Head



**CO\_Commission.xlsx**  
20K



# Attachment 3

Grant Number	Application ID	Organization	Corporate Program Code	Project	Organization State	Federal Funding
21AFDC00010005	24AC271696	LA PUENTE HOME INC	STATE	Rural Alliance for Dignity	CO	\$976,374
21AFDC00010016	24AC274658	United Way of Southwest Colorado Inc	STATE	Team UP AmeriCorps	CO	\$995,650
21AFDC00010025	24AC275428	The Learning Source	STATE	The Learning Source	CO	\$250,000
21AFDC00010028	24AC274656	City of Loveland	STATE	City of Loveland Public Library	CO	\$247,484
21AFDC00010029	24AC274653	Bright Futures	STATE	Bright Futures	CO	\$189,000
21AFDC00010031	24AC274661	Campus Compact	STATE	Campus Compact Colorado College Renaissance Corps	CO	\$262,053
21AFDC00010038	23AC261027	Weld County Government	STATE	Weld County Youth Conservation Corps (WCYCC)	CO	\$82,260
21AFDC00010041	23AC265559	Mesa County	STATE	Mesa County AmeriCorps Planning Grant	CO	\$112,150
21AFDC00010042	23AC265715	ALPINE ACHIEVERS INITIATIVE	STATE	Planning Grant	CO	\$149,998
21AFDC00010045	23AC270144	Kids At Their Best	STATE	Planning Grant	CO	\$89,481
22ACDC00010001	24AC274758	Metro Volunteers	STATE	SPARK HEALTH Corps	CO	\$205,504
22ACDC00010008	24AC275420	Trailhead Institute	STATE	Colorado Public Health Works	CO	\$755,152
22ESDC00010004	24ES274701	Colorado Alliance for Environmental Education	STATE	eeCORPS	CO	\$389,080
24AFDC00010001	24AC274657	Mountain Roots Food Project	STATE	Mountain Roots Healthy Futures	CO	\$473,747
24AFDC00010002	24AC274655	Colorado Youth For a Change	STATE	Corps for a Change	CO	\$699,844
24AFDC00010004	24AC274650	ALPINE ACHIEVERS INITIATIVE	STATE	Alpine Achiever Initiative	CO	\$1,000,000
24AFDC00010005	24AC275028	Parent Possible	STATE	Colorado HIPPY Corps	CO	\$462,494
24AFDC00010006	24AC274654	STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION	STATE	YOPS3 Homgrown Pathways	CO	\$109,180
24AFDC00010007	24AC274659	YouthPower365	STATE	Peak Pathfinders	CO	\$239,203
24AFDC00010008	24AC274698	THE STATE HISTORICAL SOCIETY OF COLORADO	STATE	History Colorado AmeriCorps	CO	\$200,000
24AFDC00010009	24AC274697	Uvation World Water, Inc.	STATE	Uvation World Water Inc	CO	\$249,963
24AFDC00010010	24AC273253	Public Health Institute	STATE	CivcSpark Colorado	CO	\$250,000
24AFDC00010011	24AC270060	Adams State University	STATE	Planning Grant	CO	\$72,990
24AFDC00010012	24AC275432	Sims-Fayola Foundation	STATE	Sims-Fayola Foundation	CO	\$110,349
24AFDC00010013	24AC274660	Blue Elements	STATE	Blue Elements Watershed Stewards	CO	\$174,544
24AFDC00010014	24AC275049	COLORADO STATE UNIVERSITY	STATE	CSUE RamCorps Initiative	CO	\$174,647